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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,172	02/08/2001	Kenneth A. Franken	00F1464	1736

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EXAMINER

NARAYANASWAMY, SINDYA

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 02/02/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/681,172

Applicant(s)

FRANKEN ET AL.

Examiner

Sindya Narayanaswamy

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9, 16 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9, 16 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. Claims 9, 16 and 20 are presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 9, 16 and 20 are rejected under 35 U.S.C. 103(a) over Lawler, US-5,758,259 in view of Shoff et al., (hereinafter Shoff) US-6,240,555.
2. As per claim 9, Lawler teaches an electronic programming guide system comprising:
 - a computer system at a location (*interactive television system*) (Fig. 2, col. 3, lines 6-13);
 - a browser displaying a guide comprising a plurality of linearly arranged tabs, where each tab is a link to one of a plurality of views (*time view, category view*) of an electronic programming guide (col. 5, lines 31-40);
 - where each of the plurality of views is associated with one of a plurality of distinct view content characteristics (col. 5, lines 32-40);
 - wherein one of the plurality of distinct view content characteristics is variable, depending upon a user specific characteristic (col. 7, line 54-col. 8, line 3);

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wherein the user specific characteristic comprises a computer-generated signal representative of prior programming selections made by a viewer (col. 9, lines 19-34);

wherein the signal is further representative of a duration characteristic of prior programming selections made by a viewer (*periodically determined preference correlations*) (col. 9, lines 12-26);

wherein the user specific characteristics further comprises an individual viewer selected preference (col. 1, line 65-col. 2, line 2);

wherein the guide includes a two-dimensional array of programming cells where each cell represents a different time slot associated with a different television channel (Fig. 3C, 106, 100, 104, 108; col. 5, lines 21-31);

wherein the plurality of linearly arranged tabs is disposed on a periphery of the two-dimensional array (Fig. 3C, 106); and

wherein the signal is further representative of an individual user and further representative of a distinct location from which the individual user is operating the browser (*viewer specific*) (col. 7, lines 35-43).

3. Lawler does not teach the step of a personal computer comprising the browser at a first viewer location, coupled to the system via a personal network. However, Shoff teaches the step of a personal computer comprising the browser at a first viewer location, coupled to the system via a personal network (integrated PC-TV system) (Fig. 4, col. 3, lines 64-67; col. 7, lines 51-60). It would have been obvious to one of ordinary skill in the art at the time of the invention to

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combine the teachings of Lawler with Shoff's method of coupling the personal computer via a personal network in order to separate the browser from the computer system.

4. As per claim 16, it is the method claim of claim 9 and is rejected on the same rationale.

5. As per claim 20, Lawler teaches the steps of a PC at a first viewer location, which provides information representative of an individual user's identity and a geographic location of the PC; the individual user's identity is culled from login data on the PC (PIN) (col. 7, lines 37-53); a computer system at a second location, coupled to a PC via a computer network (Fig. 2, col. 3, lines 6-13); the browser displaying a guide comprising a plurality of linearly arranged tabs, where each tab is a link to one of a plurality of views of an electronic programming guide (col. 5, lines 31-40); wherein each of the plurality of views is associated with one of a plurality of distinct view content characteristics (col. 5, lines 32-40); wherein one of the plurality of distinct view content characteristics is variable depending upon a user specific characteristic (col. 7, lines 54-col. 8, line 3); wherein the user specific characteristic comprises a computer-generated signal representative of prior programming selections made by a viewer (col. 9, lines 19-34); wherein the signal is further representative of a duration characteristic of prior programming selections made by a viewer (col. 9, lines 12-26); wherein the user specific characteristic further relates to a household level geographic location of the viewer (col. 7, lines 37-41); wherein the user specific characteristic is further representative of a time of day, and a day of week characteristic of prior programming selections made by the viewer (col. 8, line 63-col. 9, line 6); wherein the guide includes a two-dimensional array of programming cells where each cell represents a different

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time slot associated with a different television channel (Fig. 3B); wherein a floating cursor-linked display is provided for detailed programming information for a cell in the two-dimensional array of programming cells (col. 4, line 65- col. 5, line 7); wherein the plurality of linearly arranged tabs is disposed on a periphery of the two dimensional array; and, wherein the periphery is a bottom side (Fig. 3C, 102, 106, 108).

6. Lawler does not teach a PC at a viewer location, the PC having a browser. However, Shoff teaches a PC at a viewer location having a browser (Fig. 4, 66; col. 3, lines 64-67; col. 7, lines 51-60). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Lawler with Shoff's method of coupling the personal computer with a browser via a personal network in order to separate the browser from the computer system.

Response To Arguments

7. Applicant's arguments with respect to claims 9, 16, and 20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. US-6,215,483, Zigmond – *personal computer w/ television and electronic programming guide*

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sindya Narayanaswamy whose telephone number 703-305-8473. The examiner can normally be reached on 8 am to 5 pm, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 703.308.0640. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-5404 for regular communications and (703) 305-5404 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Sindya Narayanaswamy

January 26, 2004


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